

## Surface Mining Reclamation and Enforcement, Interior

## § 936.15

this Agreement that the State or the Secretary may have under other laws or regulations, including but not limited to those listed in appendix A.

Approved:

Richard F. Celeste,  
*Governor of Ohio.*

Date: April 19, 1989.

Manuel Lujan,  
*Secretary of the Interior.*

Date: December 11, 1989.

### APPENDIX A

1. The Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*, and implementing regulations.
2. The Mineral Leasing Act of 1920, 30 U.S.C. 181 *et seq.*, and implementing regulations, including 43 CFR part 3480.
3. The National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and implementing regulations, including 40 CFR part 1500.
4. The Endangered Species Act, as amended, 16 U.S.C. 1531 *et seq.*, and implementing regulations, including 50 CFR part 402.
5. The Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 *et seq.*, 48 Stat. 401.
6. The National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*, and implementing regulations, including 36 CFR part 800.
7. The Clean Air Act, 42 U.S.C. 7401 *et seq.*, and implementing regulations.
8. The Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, and implementing regulations.
9. The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*, and implementing regulations.
10. The Reservoir Salvage Act of 1960, as amended by the Preservation of Historical and Archaeological Data Act of 1974, 16 U.S.C. 469 *et seq.*
11. Executive Order 11593 (May 13, 1971), Cultural Resource Inventories on Federal Lands.
12. Executive Order 11988 (May 24, 1977), for flood plain protection.
13. Executive Order 11990 (May 24, 1977), for wetlands protection.
14. The Mineral Leasing Act for Acquired Lands, 30 U.S.C. 351 *et seq.*, and implementing regulations.
15. The Stock Raising Homestead Act of 1916, 43 U.S.C. 291 *et seq.*
16. The Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa, *et seq.*
17. The Constitution of the United States.
18. The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*, as amended.
19. 30 CFR chapter VII.
20. The Constitution of the State of Ohio.
21. Ohio Revised Code, Chapter 1531.

22. Ohio Administrative Code, Chapter 1501.

[49 FR 14739, Apr. 13, 1984, as amended at 54 FR 51743, Dec. 18, 1989]

## PART 936—OKLAHOMA

Sec.

936.1 Scope.

936.10 State regulatory program approval.

936.15 Approval of Oklahoma regulatory program amendments.

936.16 Required regulatory program amendments.

936.20 Approval of Oklahoma abandoned mine land reclamation plan.

936.25 Approval of Oklahoma abandoned mine land reclamation plan amendments.

936.30 State-Federal Cooperative Agreement.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

### § 936.1 Scope.

This part contains all rules applicable only within Oklahoma that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

[46 FR 4910, Jan. 19, 1981]

### § 936.10 State regulatory program approval.

The Secretary conditionally approved the Oklahoma regulatory program, as submitted on February 28, 1980, amended on June 11, 1980, and re-submitted on December 8, 1980, effective January 19, 1981. He fully approved the Oklahoma program, as amended on August 15, 1985, effective January 14, 1986. Copies of the approved program are available at:

(a) Oklahoma Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, OK 73105.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135-6548.

[64 FR 20167, Apr. 26, 1999]

### § 936.15 Approval of Oklahoma regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each

amendment. The amendments in this final publication in the FEDERAL REGISTER are listed in order of the date of publication.

Original amendment submission date	Date of final publication	Citation/description
January 22, 1982 .....	April 2, 1982 .....	Permanent program regulations to replace those approved by the Secretary on January 19, 1981, and subsequently rescinded by the Oklahoma Legislature on February 12, 1981.
February 22, 1983 ....	May 4, 1983 .....	§§ 816.42(b) and 817.42(b).
May 13, 1983 .....	August 28, 1984 .....	45 O.S. 1981, §§ 745.2, 746.16, 774(c), 786(E), 788.17 through 788.19, 816.64; Parts 842, 843, 845; §§ 4.1000 through 4.1400; Sections governing the transfer, sale or assignment of rights under permits, inspection and enforcement provisions.
July 8, 1983 .....	March 18, 1985 .....	DOM/RR 776.12 through .15, .17, .18; 815.5, .11; 816.1, .2.
July 16, 1985 .....	December 10, 1985 .....	45 O.S. 1981.
August 15, 1985 .....	January 14, 1986 .....	Administration and funding of the Small Operator Assistance Program.
September 11, 1985 .....	January 16, 1986 .....	DOM/RR 700.5: definition of "surface coal mining operations", 701.5: definitions of "coal preparation" and "coal preparation plant".
August 8, 1985 .....	April 28, 1986 .....	DOM/RR part 850 establishing blaster training, examination and certification program.
May 18, 1988 .....	March 27, 1990, May 15, 1990.	DOM/RR 700.1 through .5, .11 through .15; 701.1 through .5, .11; 705.1 through .6, .11, .13, .15, .17, .18, .19, .21, .22; 707.1, .4, .5, .10, .11, .12; 761.1, .3, .5, .11, .12; 762.1, .4, .5, .11 through .14; 764.1, .11, .13, .15, .17, .19, .21, .23, .25; 772.1, .2, .3, .11 through .16; 773.1, .5, .11, .12, .13, .15, .17, .19, .20, .21; 774.1, .11, .13, .15, .17; 775.1, .11, .13; 777.1, .11, .13, .14, .15, .17; 778.1, .13 through .18, .20, .21; 779.1, .2, .4, .11, .12, .18, .19, .21, .22, .24, .25; 780.1, .2, .4, .11 through .16, .18, .21, .22, .23, .25, .27, .29, .31, .33, .35, .37, .38; 783.1, .2, .4, .11, .12, .18, .19, .21, .22, .24, .25; 784.1, .2, .4, .11 through .26, .29, .30, .200; 785.1, .2, .13, .14, .15, .17, .18, .20, .21, .22; 795.3, .5 through .9, .12; 800.1, .4, .5, .11 through .17, .20, .21, .23, .30, .40, .50, .60; 810.1, .2, .4, .11; 815.1, .13, .15; 816.1, .2, .11, .13, .14, .15, .22, .41, .42, .43, .45, .46, .47, .49, .56, .57, .59, .61, .62, .64, .66, .67, .68, .71 through .74, .79, .81, .83, .84, .87, .89, .95, .97, .99, .100, .102, .104 through .107, .111, .113, .114, .116, .121, .122, .131, .132, .133, .150, .151, .180, .181, .200; 817.1, .2, .11, .13, .14, .15, .22, .41, .42, .43, .45, .46, .47, .49, .56, .57, .59, .61, .62, .64, .66, .67, .68, .71 through .74, .81, .83, .84, .87, .89, .95, .97, .99, .100, .102, .106, .107, .111, .113, .114, .116, .121, .122, .131, .132, .133, .150, .151, .180, .181, .200; 819.1, .11, .13, .15, .17, .19, .21; 823.1, .2, .11 through .15; 824.1, .2, .11; 827.1, .11, .12; 828.1, .2, .11, .21; 842.1, .11 through .16; 843.1, .5, .11 through .18, .20, .22; 845.1, .2, .11 through .21; 846.1, .5, .12, .14, .17, .18; 850.1, .5, .12 through .15.
March 30, 1990 .....	December 18, 1990, February 15, 1991.	DOR/RR 700.5, 700.11(b)(4), and part 702, concerning an exemption for operations when the extraction of coal is incidental to the extraction of other minerals.
June 21, 1990 .....	January 9, 1991 .....	DOM/RR 772.12(b)(12); 773.5(a)(2): the definition of "owned or controlled and owns or controls".
February 6, 1992 .....	December 7, 1993 .....	Bond Release Guidelines, including revegetation success standards, statistically valid sampling techniques, guidelines for phase I, II, and III bond release.
February 17, 1994 ....	January 10, 1995 .....	Bond Release Guidelines, including revegetation success standards, statistically valid sampling techniques, guidelines for phase I, II, and III bond release; Subsections I.E.3.b; I.F.3.d, .5.b; II.B.2.d; III.B.2.d; IV.A.1.a, b; V.B.2.c through f; VI.B.2.e; VII.A, B; Appendices A, F, J, O, R, V.
September 14, 1994 .....	March 10 and 29, 1995.	OAC 460:20–35–1, –3(a)(2), (A), (B), (D), (b), –6(a), (b)(1) through (6), (d), –7(a), (2), (3); 460:20–43–12(b)(3), –45–12(b)(3); OAC, certification of construction of siltation structures by qualified, registered professional engineers and land surveyors; OAC 460:20–43–12(f)(8), –47, –48, –53(1); 460:20–45–28, –53(1); 460:20–49–5(a)(1), –6, –7(5).
July 5, 1995 .....	November 9, 1995 .....	OAC 460:20–61–10(b)(1).
April 26, 1996 .....	July 24, 1996 .....	OAC 460:20–6–1 through –5.
July 3, 1997 .....	August 10, 1998 .....	OAC 460:20–43–46(c)(4) (A) through (G); 460:20–45–46(c)(4) (A) through (G); Oklahoma Bond Release Guidelines—Appendices A and R.
December 18, 1997 .....	January 22, 1999 .....	460:20–3–5; 20–27–14(a), (a)(2), (a)(3), (b), (c)(3), (f); 20–31–9(a), (a)(2), (a)(3), (b), (c)(2), (f); 20–33–6(a); 20–35–6(a), (b)(1), and (b)(3) through (b)(6); 20–35–7(a); 20–35–8; 20–37–15(a)(3); 20–43–12(a) through (a)(3); 20–43–14(a)(1) through (a)(3), (a)(4)(A) and (B), (a)(5), (a)(6), and (a)(9) through (a)(12), (c)(2)(A) and (B); 20–43–27(c); 20–43–29(a); 20–45–12(a) through (a)(3); 20–45–14(a)(1) through (a)(3), (a)(4)(A) and (B), (a)(5), (a)(6), and (a)(9) through (a)(12), (c)(2)(A) and (B); 20–45–27(c); 20–45–29(a); 20–57–2(g)(4)(A) and (h); and 20–61–11(a).
September 28, 1998 .....	September 28, 1999 .....	OAC 460:2–7–6; 2–8; 20–15–11 through 14.
September 30, 1999 .....	December 17, 1999 .....	Oklahoma Bond Release Guidelines—Subsections II.A.1.f and g, II.B.1.a, II.B.2.a; III.A.1.f and g, III.B.1.a, III.B.2.a; V.B.2.d and V.B.2.e; appendix A; Policy Statements dated May 21, 1996, and September 30, 1999.
January 13, 2000 .....	May 26, 2000 .....	OAC 460:20–5–3(4); 20–5–9(a)–(c); 20–5–10(c)(3); 20–5–12(b)(1).
January 25, 2001 .....	May 9, 2001 .....	OCA 460:20–17–3.

## Surface Mining Reclamation and Enforcement, Interior

§ 936.25

Original amendment submission date	Date of final publication	Citation/description
November 20, 2001 ..	May 24, 2002 .....	OAC 460:20-7-2; 20-7-3; 20-7-4 Introductory paragraph, (2), (3), and (4)(B); 20-7-4.1; 20-7-5(a), (b)(1) and (2), (c), (d), (e), (f)(1) and (3), (g), (h); 20-13-5(b)(14), (d)(2)(D).
November 1, 2001 ....	January 17, 2003 ...	Sections 460:20-3-5; 20-5-1; 20-5-2; 20-5-3; 20-5-4(a)(7) through (d); 20-5-6; 20-5-7(a) and (b); 20-5-8; 20-5-9(b); 20-5-10(a), (a)(2), (b)(1) through (c)(4); 20-5-13; 20-15-4; 20-15-6(b)(4), (b)(5), and (c)(13); 20-33-12; 20-43-46(b)(6) and (c)(2) through (c)(3)(B); 20-45-46(b)(6) and (c)(2) through (c)(3)(B).
July 15, 2005 .....	March 27, 2006 .....	Oklahoma Administrative Code (OAC) 460:20-25-11(a)(11); 460:20-29-11(a)(11); 460:20-31-13(a)(3); 460:20-43-14(a)(1), (a)(3), (a)(9)(A), (a)(9)(B)(iii), (a)(11)(A), and (a)(14); 460:20-43-46(b)(3)(A), (b)(3)(A)(i)-(iii), (b)(3)(B)-(E); 460:20-43-52(d)(3) and (e)(1); OAC 460:20-45-46(b)(3)(A), (b)(3)(A)(i)-(iii), (b)(3)(B)-(E) and(c)(2); and OAC 460:20-45-47(c)(2), (c)(4) and (c)(4)(A)-(E).
November 26, 2008 ..	April 9, 2010 .....	Notice of violations: Section 460:20-59-4.
February 25, 2011 ....	May 2, 2012 .....	OAC 460:20-17-4(b)(2)(C), 460:20-43-47(c)(3), and 460:20-45-47(c)(6).

[62 FR 9951, Mar. 5, 1997, as amended at 63 FR 42579, Aug. 10, 1998; 64 FR 3423, Jan. 22, 1999; 64 FR 52232, Sept. 28, 1999; 64 FR 70586, Dec. 17, 1999; 65 FR 34096, May 26, 2000; 66 FR 23608, May 9, 2001; 67 FR 36516, May 24, 2002; 68 FR 2451, Jan. 17, 2003; 71 FR 15033, Mar. 27, 2006; 75 FR 18051, Apr. 9, 2010; 77 FR 25874, May 2, 2012]

### § 936.16 Required regulatory program amendments.

Pursuant to 30 CFR 732.17(f)(1), Oklahoma is required to submit to OSM by the specified date the following written, proposed program amendment, or a description of an amendment to be proposed that meets the requirements of SMCRA and 30 CFR Chapter VII and a timetable for enactment that is consistent with Oklahoma's established administrative or legislative procedures.

(a)-(g) [Reserved]

[60 FR 2520, Jan. 10, 1995; 64 FR 70587, Dec. 17, 1999]

### § 936.20 Approval of Oklahoma abandoned mine land reclamation plan.

The Secretary approved the Oklahoma abandoned mine land reclamation plan, as submitted on July 30, 1981, effective January 21, 1982. Copies of the approved plan are available at:

(a) Oklahoma Conservation Commission, 2800 N. Lincoln Blvd., Suite 160, Oklahoma City, OK 73105.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135-6548.

[64 FR 20168, Apr. 26, 1999]

### § 936.25 Approval of Oklahoma abandoned mine land reclamation plan amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
August 24, 1989, November 13, 1995.	May 28, 1996 .....	OAC 155:15, 884.13.(c)(1), (2), (3), (5), (7), (d)(1).
November 3, 1997 ....	February 18, 1998 ..	Emergency response reclamation program.
November 1, 2004 ....	April 4, 2005 .....	Oklahoma Plan §§ 884.13(c)2—Project Ranking and Selection; (c)3—Coordination with Other Entities; and (c)7—Public Participation.

[62 FR 9952, Mar. 5, 1997, as amended at 63 FR 8126, Feb. 18, 1998; 70 FR 16945, Apr. 4, 2005]